

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

UNITED STATES OF AMERICA

v.

  
KELLY JOSEK (02)  
a/k/a Kelly Spinelli-Josek

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SEALED

Case No. 4:23-CR- 120


Judge Mazzant


**INDICTMENT**

THE UNITED STATES GRAND JURY CHARGES:

**COUNT ONE**

Violation: 18 U.S.C. § 1546(a)  
(Fraud and Misuse of Visas, Permits, and  
Other Documents)


On or about April 4, 2022, in the Eastern District of Texas, and elsewhere, 


 **Kelly Josek**, a/k/a Kelly Spinelli-Josek, defendants, did knowingly  
utter, use, attempt to use, possess, obtain, accept, and receive United States Passport  
Cards, which defendants knew to be forged, counterfeited, altered, and falsely made.

In violation of 18 U.S.C. §§ 1546(a) and 2.

**COUNT TWO**

Violation: 18 U.S.C. § 1028A  
(Aggravated Identity Theft)

On or about April 4, 2022, in the Eastern District of Texas, and elsewhere, 

 **Kelly Josek**, a/k/a Kelly Spinelli-Josek, defendants, did knowingly  
transfer, possess, and use, without lawful authority, a means of identification of another

person in relation to a felony violation enumerated in 18 U.S.C. § 1028A(c), to wit, 18 U.S.C. § 1546(a), knowing that the means of identification belonged to another actual person.

In violation of 18 U.S.C. §§ 1028A and 2.

**NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE**

Pursuant to 18 U.S.C. § 982(a)(6)

As the result of committing the foregoing offenses charged this indictment, the defendant shall forfeit to the United States:

1. Any property constituting, or derived from, and proceeds the defendants obtained, directly or indirectly, as the result of such violations; and
2. Any of the defendants' property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violations.

Substitute Assets

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with a third person;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable

property, including but not limited to all property, both real and personal, owned by the defendant.

By virtue of the commission of the offense charged in this indictment, any and all interest the defendant has in the above-described property is vested in the United States and hereby forfeited to the United States pursuant to 18 U.S.C. § 982(a)(6).

A TRUE BILL:



GRAND JURY FOREPERSON

DAMIEN M. DIGGS  
UNITED STATES ATTORNEY




SEAN J. TAYLOR  
Assistant United States Attorney

5-17-2023  
Date

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**NOTICE OF PENALTY**

**COUNT ONE**

Violation: 18 U.S.C. § 1546(a)

Penalty: Imprisonment for a term not to exceed ten years; a fine not to exceed \$250,000.00, or not more than the greater of twice the gross gain to the defendant or twice the gross loss to one other than the defendant; or both; and supervised release for a term not to exceed three years in addition to such term of imprisonment.

Special  
Assessment: \$100.00

**COUNT TWO**

Violation: 18 U.S.C. § 1028A

Penalty: Imprisonment for a term of two years; a fine not to exceed \$250,000.00, or not more than the greater of twice the gross gain to the defendant or twice the gross loss to one other than the defendant; or both; and supervised release for a term not to exceed one year in addition to such term of imprisonment. This sentence is to run consecutively to any other sentence imposed. A person convicted of a violation of this section shall not be placed on probation.

Special  
Assessment: \$100.00